REMARKS

I. Introduction

In response to the Office Action dated October 10, 2006, the claims have not been amended. Re-examination and re-consideration of the application is requested.

II. Prior Art Rejections

On page (2) of the Office Action, claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable by Bopardikar et al., U.S. Patent No. 6,826,778 (Bopardikar) in view of Ng et al., U.S. Patent No. 5,278,838 (Ng).

Specifically, the independent claims were rejected as follows:

> In regard to Claim 1, Bopardikar et al discloses an image processing apparatus and method having a computer-readable medium with computer readable instructions configured to store image data with redundant protection comprising:
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> - input means configured to receive an input stream of real-time digital video data (Figure 16 shows the input stream of broadcast video data as further stated in Column 5 Lines 36-40);
> - storage means for storing image data in an array of disks(Figure 14 shows the storage medium for storing the data); and
> - processing means arranged to perform processing operations upon said image data (Figure 16 item 1614 shows the processing means which processes the operations), wherein
> - said input means receives an input stream of real-time digital video data (Figure 16 line 1615 receives input streams of real-time digital video data as further described in Column 17 Lines 22-25);
> - said processing means performs a reading operation to read said data from said storage means, perform a data manipulation upon said video data and generate parity information to create protected video data (Column 13 Lines 52+ and Column 14 Lines 1-12 describe the processing which performs the reading operations and data manipulations); and
> - said processing means performs a second writing operation to write said protected video data to said storage means (Column 13 Lines 21-42 describes the additional writing operation to write the protected video data to the storage means); however, fails to disclose a said processing means performs a first writing operation to write said video data to said storage array means in real-time without RAID calculations and without parity.
>
> Ng et al discloses in Column 3 Lines 5+ describes the processing of the write operations wherein the processing is done without RAID calculations and without parity. This is done as disclosed by Ng et al by not conforming to RAIDs 4 and 5 and thereby provides the ability to process with calculations and without parity to allow for the system to process the images appropriately in a fast and efficient manner. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an image processing apparatus, as disclosed by Bopardikar et al, and further incorporate a system that processes without calculations and without parity, as disclosed by Ng et al.

In regard to Claims 8, 15, and 19, Bopardikar et al discloses an image processing apparatus and method, as previously discussed in Claim 1, with the additional limitation of calculating redundant parity data to generate protected image data (Column 22 Lines 15-52 describes the determination of redundancy to generate a protected image of the data).

Applicants note that under 35 U.S.C. §103(c), subject matter developed by another, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject an obligation of assignment to the same person.

The Office Action rejects the present invention under 35 U.S.C. §103(c) based on Bopardikar. Applicants note that Bopardikar is owned by the assignee of the present invention, Autodesk Canada Co. The present invention claims priority to a UK application filed on April 6, 2000. The Bopardikar reference was filed on March 13, 2002, published on July 18, 2002, and filed on March 13, 2002. Accordingly, Bopardikar does not qualify as a reference under 35 U.S.C. §102(a), (b), (c), or (d) with respect to the present invention.

Applicants have attached hereto a Statement of Common Ownership indicating that U.S. Patent Application Serial No. 09/747,455 and U.S. Patent No. 6,826,778 were, at the time the invention of U.S. Patent Application Serial No. 09/747,455 was made, both subject to an obligation of assignment to the same entity. Accordingly, Applicants submit that Bopardikar does not qualify as prior art and cannot be used to reject the present invention.

Moreover, the various elements of Applicant's claimed invention together provide operational advantages over Bopardikar and Ng. In addition, Applicant's invention solves problems not recognized by Bopardikar and Ng.

Thus, Applicant submits that independent claims 1, 8, 15, and 19 are allowable over Bopardikar and Ng. Further, dependent claims 2-7, 9-14, 16-18, and 20 are submitted to be allowable over Bopardikar and Ng in the same manner, because they are dependent on independent claims 1, 8, 15, and 19, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-7, 9-14, 16-18, and 20 recite additional novel elements not shown by Bopardikar and Ng.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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